

# **EXHIBIT A**



with prejudice.” *Id.* The United States Court of Appeals for the Seventh Circuit vacated that judgment and ordered the district court to remand the case back to the Illinois Circuit Court.

*Collier* at \*3. The Seventh Circuit declined to order fees and costs for improper removal. *Id.*

3. *Collier* is distinguishable from this case, and does not support granting Plaintiff’s Motion for Remand. The defendant in *Collier* moved to dismiss on the ground that the district court lacked subject matter jurisdiction, arguing that the plaintiff had not suffered an injury. *Collier* at \*1. By contrast, Speedway’s position is that “standing exists under Article III, period” (Dkt. No. 55 at 4) and that certain of “Plaintiff’s alleged injuries suffice to establish jurisdiction” (*id.* at 8) even though they do not support Plaintiff’s claim under the Illinois Biometric Information Privacy Act. Accordingly, unlike the defendant in *Collier*, Speedway has “establish[ed] that all elements of jurisdiction—including Article III standing—existed at the time of removal.” *Collier* at \*2.

4. Additionally, the Seventh Circuit in *Collier* declined to award fees and costs for improper removal under 28 U.S.C. § 1447(c), even though the defendant removed to federal court and then immediately challenged the existence of federal jurisdiction. *Id.* at \*3. Speedway’s position on removal has a far more “objectively reasonable basis” than that. *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005). Accordingly, although Speedway believes that jurisdiction exists, if the Court disagrees, it should nevertheless follow the *Collier* court in declining to award fees and costs.

Dated: May 18, 2018

Respectfully submitted,

SPEEDWAY LLC and  
MARATHON PETROLEUM COMPANY

By: /s/ Gary M. Miller  
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**CERTIFICATE OF SERVICE**

I, Patrick J. Castle, an attorney, hereby certify that on **May 18, 2018**, I caused a true and correct copy of **SPEEDWAY LLC'S AND MARATHON PETROLEUM COMPANY'S NOTICE OF SUPPLEMENTAL AUTHORITY IN OPPOSITION TO PLAINTIFF'S MOTION TO REMAND** to be served on counsel of record via ECF pursuant to the General Order on Electronic Filing of the United States District Court, Northern District of Illinois, addressed as follows:

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